

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN DOE,)		
)		
Plaintiff,)		
)		
v.)	NO.	
)		
JANE DOE,)	Judge	/Brown
)		
Defendant.)		

ORDER

The parties have requested a settlement conference before the undersigned in this matter. Therefore, a settlement conference is set for _____ .m., on _____ ,200 , in Courtroom 776, 801 Broadway, Nashville, Tennessee.¹

[In preparation of the settlement conference, a telephone conference to be **initiated by** _____ is scheduled for (2 days prior) _____. At this conference the parties should be prepared to discuss the general parameters of the settlement conference and any special issues that may arise.]

The parties are advised that unless otherwise permitted, failure to be present with **full settlement authority**² could result

¹ The parties are advised that they should not schedule anything else on this date and to be prepared to spend the entire day in this settlement conference, if necessary. If any party has other engagements which would interfere with the settlement conference at any time during the day, they **must** notify the Magistrate Judge of this fact in advance of the settlement conference.

² All named parties and their attorneys **must** attend. Non-individual parties must have a senior official present unless excused in advance by the Magistrate Judge. Full settlement authority means the ability of the plaintiff to accept the last offer and the defendant to pay the last demand. If authority is limited, the party **must** notify the Magistrate Judge in advance of the conference.

in imposition of sanctions pursuant to Rule 16(f) of the Federal Rules of Civil Procedure. If the parties need authority from any other person, that person must be available by phone, and the Magistrate Judge must approve the absence in advance. The representative present at the settlement conference must be in a position to sign a binding agreement at the conclusion of the conference, unless the Magistrate Judge has been notified of the limitation in advance.

1. By **12:00 noon on (2 business days before conference) 200** , plaintiff and defendant shall deliver under seal, directly to Ms. Tina Smith, Courtroom Deputy to the undersigned, ex parte, 797 U.S. Courthouse, 801 Broadway, Nashville, TN 37203, separate settlement conference statements which shall specify their respective settlement positions. Nothing in the way of a jury speech shall be contained in the settlement conference statements. In their respective statements, counsel for plaintiff and defendant shall make a candid assessment of the strengths and weaknesses of both sides of the case and shall give a good faith opinion of each client's probable success on the merits on a scale of 1 to 5, with 1 being the lowest and 5 being the highest.

a. Each statement shall contain a summary of the parties' respective views of the law as to the theory of liability or defense.

b. **(P)** Plaintiff's statement shall contain an assessment from plaintiff's viewpoint of his/her/its damages and the strengths and weaknesses of his/her/its position.

b. **(D)** Defendant's statement shall contain an assessment of the plaintiff's damages, defendant's exposure to those damages, and the respective strengths and weaknesses of defendant's position.

c. Each statement shall contain an assessment of the economic cost of proceeding to trial as well as any appeal.

d. Each statement shall recount, with specificity, the settlement discussions between the parties to date and the final offer each side has made.

e. Each statement shall include the maximum amount the defendant is presently willing to pay and the minimum amount the plaintiff is presently willing to accept,³ as well as any other terms on which the client insists.

2. In the event offers and demands have not previously been made, the parties shall exchange offers and demands **at least three (3) working days prior to the _____** conference.

3. Counsel for each party may present a **brief** opening statement at the beginning of the settlement conference. Following these statements, the Magistrate Judge will normally meet

³Essentially, the parties shall provide their present "bottom line." However, the parties should be prepared to negotiate further from these figures during the course of the settlement conference.

separately with the parties. Once the separate meetings have concluded, negotiations will proceed as necessitated by the particular case.

It is so **ORDERED**.

JOE B. BROWN
United States Magistrate Judge